

**AFFIDAVIT OF SERVICE THROUGH THE SECRETARY OF STATE**

Index # 07CIV3959

Purchased/Filed: May 22, 2007

STATE OF NEW YORK

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT

Trustees of the Teamsters Local 456 Pension, Health & Welfare, Annuity, Education & Training, et  
al

Plaintiff

against

Transit Construction Corp.

Defendant

STATE OF NEW YORK  
COUNTY OF ALBANY

SS.:

Jessica Miller, being duly sworn, deposes and says: deponent is over the age of eighteen (18) years; that on June 4, 2007, at 2:00 pm, at the office of the Secretary of State of the State of New York in the City of Albany, New York deponent served the annexed Summons in a Civil Action, Rule 7.1 and Complaint

on

Transit Construction Corp., the

Defendant in this action, by delivering to and leaving with Carol Vogt,

AUTHORIZED AGENT in the Office of the Secretary of State, of the State of New York, personally at the Office of the Secretary of State of the State of New York, 2 true copies thereof and that at the time of making such service, deponent paid said Secretary of State a fee of 40 dollars; That said service was made pursuant to Section 306 Business Corporation Law.

Deponent further says that deponent knew the person so served as aforesaid to be the agent in the Office of the Secretary of State of the State of New York, duly authorized to accept such service on behalf of said defendant.

Description of the person served: Approx. Age: 43 Approx. Wt: 118 Approx. Ht: 5'

Color of skin: White Hair color: Brown Sex: F Other:

Sworn to before me on this

5th day of June, 2007

DONNA M. TIDINGS  
NOTARY PUBLIC, State of New York  
No. 01T4898570, Qualified in Albany County  
Commission Expires June 15, 2007

Jessica Miller  
Invoice Work Order # SP0704789

SERVICO, INC. - PO Box 871 - ALBANY, NEW YORK 12201 - Ph 518-463-4179